

2003 DRAFTING REQUEST**Assembly Substitute Amendment (ASA-AB90)**

Received: 03/09/2004

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Leon Young (608) 266-3786

By/Representing:

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**
Criminal Law - law enforcement

Extra Copies:

Submit via email: YES

Requester's email: **Rep.Youngl@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Primary enforcement of seat belt laws

Instructions:

See Attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|------------------------|------------------------|----------------|----------------------|----------------------|-----------------|
| /? | mdsida 03/09/2004 | wjackson 03/09/2004 | | | | | |
| /1 | | | pgreensl 03/09/2004 | | lemery 03/09/2004 | lemery 03/09/2004 | |

FE Sent For:

<END>

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| /? | mdsida | /1 wLj 3/9 | 3/5 | 3/5 | | | |
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P8 P8/16
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FE Sent For:

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman (or Lynn E. in his absence)

(Request Made By: md) (Date: 03 / 10 / 04)



☐ Please transfer the drafting file for

2001 LRB _____ to the drafting file

for 2003 LRB _____

☒ The final version of the 2001 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2001 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

☒ For research purposes, because the 2001 draft was incorporated into a 2003 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the 2003 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

— OR —

☐ Please copy the drafting file for

2003 LRB 50461 / _____ and place it in the drafting file

for 2003 LRB 50463

☒ For research purposes, because the original 2003 draft was incorporated into another 2003 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the new 2003 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

☒ The original drafting file will then be returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.



State of Wisconsin
2003 - 2004 LEGISLATURE

50463/1
LRBs046174
MGD:jld/kj/wlj:pg

ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2003 ASSEMBLY BILL 90

Please
Sort

Regen

1 AN ACT *to amend* 347.48 (2m) (e), 347.48 (2m) (gm) and 347.50 (2m) (a); and *to*
2 *repeal and recreate* 347.48 (2m) (e), 347.48 (2m) (gm) and 347.50 (2m) (a) of
3 the statutes; **relating to:** enforcement of motor vehicle safety belt violations,
4 granting rule-making authority, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 SECTION 1. 347.48 (2m) (e) of the statutes ^{as affected by 2003 Wisconsin Act. (this act)} is repealed and recreated to read:

6 347.48 (2m) (e) The department shall, by rule, exempt from the requirements
7 under pars. (b) to (d) persons who, because of a physical or medical condition, cannot
8 be properly restrained in a safety belt.

9 SECTION 2. 347.48 (2m) (e) of the statutes is amended to read:

10 347.48 (2m) (e) Paragraph (b) does not apply to a person who qualifies for
11 registration plates of a special design under s. 341.14 (1), (1a), (1m), or (1q) or for a

as affected by 2003 Wisconsin Act ... (this act) 1

1 special identification card under s. 343.51. The department shall, by rule, exempt
2 from the requirements under pars. (b) to (c) and (d) persons who, because of a
3 physical or medical condition, cannot be properly restrained in a safety belt.

4 **SECTION 3.** 347.48 (2m) (gm) of the statutes ~~is~~ repealed and recreated to read:

5 347.48 (2m) (gm) Notwithstanding s. 349.02, a law enforcement officer may not
6 stop or inspect a vehicle solely to determine compliance with this subsection or sub.
7 (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules
8 of the department. This paragraph does not limit the authority of a law enforcement
9 officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local
10 ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department
11 observed in the course of a stop or inspection made for other purposes, except that
12 a law enforcement officer may not take a person into physical custody solely for a
13 violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with
14 this subsection, sub. (1) or (2) or rules of the department.

15 **SECTION 4.** 347.48 (2m) (gm) of the statutes is amended to read:

16 347.48 (2m) (gm) ~~Notwithstanding s. 349.02, a law enforcement officer may not~~
17 ~~stop or inspect a vehicle solely to determine compliance with this subsection or sub.~~
18 ~~(1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules~~
19 ~~of the department. This paragraph does not limit the authority of a law enforcement~~
20 ~~officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local~~
21 ~~ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department~~
22 ~~observed in the course of a stop or inspection made for other purposes, except that~~
23 ~~a~~ A law enforcement officer may not take a person into physical custody solely or
24 inspect or search a motor vehicle, the contents of a motor vehicle, or an operator of
25 or passenger in a motor vehicle for a violation of this subsection or sub. (1) or (2) or

1 a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of the
2 department. *as affected by 2003 Wisconsin Act ... (this act)*

3 **SECTION 5.** 347.50 (2m) (a) of the statutes is repealed and recreated to read:

4 347.50 (2m) (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person
5 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10.

6 **SECTION 6.** 347.50 (2m) (a) of the statutes is amended to read:

7 347.50 (2m) (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person
8 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10
9 \$25 for the first offense and not less than \$50 nor more than \$75 for the 2nd or any
10 later offense committed within 3 years.

11 **SECTION 7. Nonstatutory provisions.**

12 (1) (a) In this subsection, “motor vehicle stop” means the stop or detention of
13 a motor vehicle that is traveling in any public or private place, or the detention of an
14 occupied motor vehicle that is already stopped in any public or private place, for the
15 purpose of an investigation by a law enforcement officer of any alleged or suspected
16 violation of a state or federal law or city, village, town, or county ordinance.

17 (b) The department of transportation shall contract with an independent
18 organization to determine the frequency with which motor vehicle stops or searches
19 of motor vehicles occur as a result of racial profiling, racial stereotyping, or other
20 race-based discrimination or selective enforcement. The contract shall require the
21 independent organization to submit a detailed report regarding the results of its
22 study to the department.

23 (c) No later than the first day of the 25th month beginning after the effective
24 ^{paragraph}~~subsection~~ date of this ~~subsection~~, the department of transportation shall submit a copy of the
25 report prepared under paragraph (b) to the legislature and the governor.

(d) The department may promulgate rules to implement this subsection. A

SECTION 8. Initial applicability.

(1) The amendment of section 347.50 (2m) (a) of the statutes first applies to violations committed on the effective date of this subsection, but does not preclude the counting of other violations as prior violations for sentencing a person.

SECTION 9. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The amendment of sections 347.48 (2m) (e) and (gm) and 347.50 (2m) (a) of the statutes and SECTION 8 (1) of this act take effect on the first day of the 7th month beginning after publication.

(2) The repeal and recreation of sections 347.48 (2m) (e) and (gm) and 347.50 (2m) (a) of the statutes take effect on the first day of the 25th month beginning after publication, but only if one of the following applies:

(a) The federal government does not provide funding to the state of Wisconsin from the reauthorization of the federal highway bill known as the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 as part of the incentive program for standard enforcement of safety belts laws by the first day of the 25th month beginning after publication.

(b) The study submitted to the legislature and the governor under SECTION 7 (1) of this act indicates that motor vehicle stops or searches of motor vehicles occur as a result of racial profiling, racial stereotyping, or other race-based discrimination or selective enforcement with significant frequency.

(END)

Woff

The rules may require state or local law enforcement agencies to collect data that the department considers appropriate ~~for the p~~ to facilitate the ~~preparation of~~ study and report under paragraph (b) ©

Emery, Lynn

From: Emery, Lynn
Sent: Wednesday, March 10, 2004 11:50 AM
To: Stewart, Greg
Subject: LRBs0463/1 (attached as requested)



03s0463/1

Lynn Emery
Program Assistant
Legislative Reference Bureau
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